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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

VICTOR VOE,

Plaintiff,

v.

JOHN DOES 1-9,

Defendants.

Case No. 20-cv-5737

DECLARATION OF PLAINTIFF

I, Victor Voe, being of full age, hereby declare:

1. I am the Plaintiff in the above-captioned case. I submit this Declaration in support of my request to proceed under the pseudonym “Victor Voe[.]”

2. My attorneys have informed me that, in an effort to evade responsibility for their extortive scheme, defendants Dylan and Wayne Yamamoto (the “Defendants” or “Yamamotos”) have filed a motion to dismiss which claims, generally, that my action is time-barred and that I should have brought the action in Defendants’ home state of Hawaii.

3. Defendants’ motion to dismiss is filled with victim blaming and insinuations that I am some sort of predator for unknowingly getting tricked by Defendants, both of whom are male and one of whom was apparently a minor when he engaged in the sextortion scheme.

4. Had I known the true identities of the person or people with whom I was chatting I would not have been chatting with them in the first place. I also would have named them in the initial complaint rather than engage in extensive discovery to determine their names.

5. It was of course upsetting to learn that one of the people who did this to me was a minor, but his age or gender do not make my harms any different or less.

Defendants Preyed on Unsuspecting Men

6. Any suggestion that the Yamamotos are the victims in this case is quickly belied by a list of the videos they uploaded onto Pornhub since 2018.

<u>Video Name</u>	<u>Upload Date</u>	<u>View Count</u>
Young straight jock cums	5/2/20 11:13	2103
Straight muscle frat guy	5/2/20 11:07	875
Verbal guy (not straight)	4/22/20 4:12	1067
Straight guy shows his huge cock	4/22/20 3:47	460
Straight muscle guy cums	4/22/20 3:46	200
Straight guy from my skype video	4/15/20 19:25	200
Cute guy on omegle	4/10/20 21:14	3201
18 year old teenager cums for me	4/8/20 23:27	0
Straight guy thought I was a girl and jacks off	4/8/20 23:18	187
Old guy talks dirty	4/8/20 23:17	1847
Snapchat leak nude	4/3/20 20:32	49
Straight verbal college guy	4/3/20 20:29	3
verbal straight muscle guy tricked	3/30/20 0:51	3488
Straight young verbal guy	1/15/20 0:41	4716
Black muscle guy cums	1/15/20 0:37	115
Omegle verbal straight guy	1/15/20 0:35	651
Straight Fratboy calls me a faggot and watches me finger myself	9/14/19 17:18	28
Verbal Straight Guy Tricked on Omegle	9/7/19 20:10	14886
Straight Hawaiian Asian Boy Catfished	1/19/19 16:50	566
Ohio boy cums for me	1/19/19 16:40	267
Finger fucking my wet hole	7/14/18 9:10	38
Straight guy tricked into cumming on cam	7/14/18 6:53	22068
Playing with my wet hole	7/14/18 6:35	50

7. While Defendants' list of uploads is "only" 23 victims long, the individuals depicted in these videos are presumably only those who did not pay Defendants' as they demanded and not a complete list of those victimized by Defendants.

8. Defendants' list of videos reveals an obvious scheme: initiating sexually explicit videochats with males – usually straight – by leading them to believe they are chatting with someone else.

Defendants Attempted to Extort Me

9. After Defendants informed me they had secretly recorded me masturbating, they demanded that I pay them money or else they would share my content. They told me my face and my full body were in the video and that they would send it to everyone I know. Defendants claimed that the link I had clicked had allowed them to gain access to my entire laptop.

10. Defendants intended to intimidate me and cause me so much fear that I would pay them to avoid the public humiliation of my video being uploaded online.

11. While I did experience this fear, my immediate response was to exit the chat, delete whatever I could delete, and hope they were either bluffing or that I was faster than they were.

12. A part of me still wonders whether paying Defendants would have saved me from this fate, but I also suspect Defendants would have asked for more and more money until I had nothing left to give and then upload the content anyway.

13. For years I thought and hoped I was in the clear – after all, Defendants had claimed they would send the content to everyone I knew and none of my friends or family had indicated receiving such a video.

14. Unfortunately, my worst fears came true when, on August 24, 2020, I was contacted on social media by a total stranger who indicated he had seen the video and the images uploaded by Defendants and was able to identify me through my employer.

15. Horrified, I denied it was me.

Defendants Continued to Stalk and Upload New Content for Years

16. In addition to the intimate video Defendants posted of me in 2018, they continued to actively monitor my social media accounts as well as those with whom I associated to build a 49-picture photo album entitled: “Straight guy from video[.]”

17. Defendants uploaded fourteen of my pictures on November 22, 2018: one on January 21, 2019; fifteen on March 10, 2019; two on May 12, 2019; six on December 28, 2019; three on April 15, 2020; and eight on May 27, 2020.

18. The information I received from Pornhub showed that the May 27, 2020 images were uploaded from a CenturyLink Communications LLC IP address.

19. Defendants’ uploads – sometimes screenshots of “stories” which only appear online for 24 hours¹ – demonstrate they were actively monitoring my social media accounts as well as those closest to me in order to feed more content online.

20. In total, the 49 pictures of me were viewed 1,445 times.

Defendants Directed their Activities to New York

21. I was a New York resident at the time Defendants secretly recorded me masturbating and gained access to my computer.

¹ An Instagram story, also known as “stories”, is a feature on Instagram that allows users to share photos, videos, or text posts that disappear after 24 hours. Stories are only accessible by either visiting the user’s profile or, if you are already friends with that user, then by selecting the friend’s image displayed at the top of a feed. This illustrates the high level of monitoring the Yamamotos had to do take personal screenshots from stories.

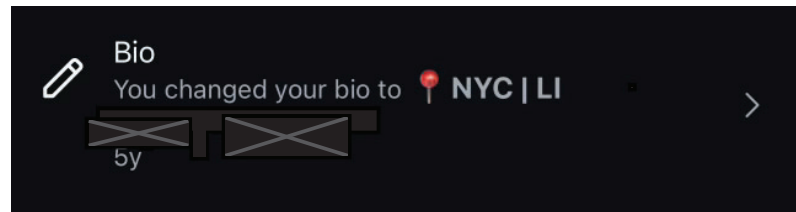
22. Defendants were easily able to conclude I was and am a New York resident.

23. First, at least one of the videos uploaded by Defendants shows my naked body then cuts to a video of me being interviewed at my New York State college superimposed before again cutting to me engaging in sexual acts.

24. Second, my social media accounts which Defendants were clearly actively monitoring and pulling images from state my location and contain photographs demonstrating where I live.

25. Indeed, my Instagram handle was “@NewYork[Voe]” Each time Defendants visited my page they would have needed to either view that handle and select it, or, more than likely, type it in themselves. In that way, every time they pulled more pictures from my account to upload onto Pornhub they would have been reminded that they were harassing a New Yorker.

26. On top of that, my social media profile publicly stated I was a resident of New York.



27. Third, Defendants specifically uploaded the following images to their Pornhub album associated with my intimate video:

- a. One photo of me with a co-worker in which we are both wearing polos boasting our company name;
- b. One photo of me using New York public transit;
- c. One photo of me wearing a New York State college jersey, standing on a sports field;
- d. One photo of me holding a baked good that was screenshotted from my partner's social media story;

- e. One photo with a New York City yellow cab in the background; and
- f. Two photos of me in front of the New York skyline.

That Defendants possessed and uploaded this content is beyond dispute as the images were disclosed by Pornhub in response to a subpoena in this case.

28. Defendants' access to this content has shaken me as, at least some of these accounts were private. Accordingly, for Defendants to have accessed the content they would have had to have created a fake account and requested me as a friend. They also stalked my partner's social media accounts for years as pictures were taken from her accounts too.

29. The information Defendants uploaded about me was enough for one apparently well-meaning stranger to locate and contact me via social media to alert me that my content was online, stating he was able to determine it was me because "[o]ne of those social media pics showed your company name. Quick google search."

30. Fourth, if Defendants did, in fact, gain entry to my computer as they claimed, they also would have had access to troves of information pertaining to my residence, including pictures of my license, my cellphone number which contains a New York area code; banking information which would have included my address, and other billing records which would have contained same.

Defendants Were Put on Notice of Lawsuit in 2022

31. While Defendants may not have been named in the pleadings until recently, they were placed on notice of this lawsuit far earlier.

32. First, on August 24, 2020, Pornhub closed Defendants' account. It is likely that Pornhub sent Defendants notice of this.

33. Second, on February 16, 2022, Defendants' internet company, Charter Communications, sent Defendants notice of the subpoena my attorneys served in relation to this lawsuit via a FedEx-ed letter. I have personally viewed e-mails between my attorney and a Charter Communications representative as well as a copy of the FedEx label.

Defendants' Actions Continue to Cause me Harm

34. Defendants have shared a video of me masturbating with the world, including along with the video the name of my employer and thus the means to locate me. The video was captured, recorded, and then disseminated without my permission or consent. It was a complete invasion of my privacy and has been deeply traumatic for me.

35. On top of this, in the years that followed their complete and total invasion of my privacy, Defendants continued to monitor and stalk my social media accounts as well as my partner's, uploading images they found onto a Pornhub album associated with my intimate video.

36. This was not a one-time thing for Defendants, it is something they filmed one night and then actively grew over the years by pulling content they could find about me online.

37. Knowing these men have been scouring the internet for my pictures and videos for years is truly unnerving. They have re-posted pictures and videos of me from my former employer's pages, my current place of employment, and my partner's social media accounts. This has been going on for years.

38. Learning about Defendants' violations has completely changed my relationship with the internet and I now take time consuming and expensive precautions to guard my identity when at all possible. I often suspect my protectiveness prevents me from moving forward professionally and personally, and I am certain my peers do not fear internet exploitation as I do.

39. There have been many instances in this litigation when I have been so crippled with anxiety and dread that I have been unable to make it through the day without having a panic attack, much less make a decision about this case.

40. Over the course of the past several years, there have been months at a time where I have been unable to open my e-mail as I did not think my mental health could handle it.

41. It has also caused me professional difficulties, leading me to earn significantly lower income and sometimes have difficulty in financially supporting myself.

42. I have extreme fear of being identified as the individual in this video and have, on many occasions, considered abandoning the case rather than risking my reputation and livelihood, even though I know pursuing it may result in me getting justice against those who have clearly committed wrongs against so many people, including me.

43. Admittedly, the Yamamotos' desire to portray *me* as a predator in this situation despite their lengthy list of victims has been deeply upsetting to me, simultaneously justifying my fear of proceeding and adding to my desire to see this case through to the end.

44. Relatedly, even naming Defendants has caused me significant emotional anguish. First, I feared they would retaliate against me and further disseminate the video. Second, albeit naively, I worried what naming them would do to *their* reputations. I insisted that we have Defendants dead to rights before moving forward. I did not want anyone else to get unnecessarily roped into this disaster.

45. Now that billing and cable records conclusively demonstrate Defendants' responsibility and I have not received any fallout from naming Defendants, my fear remains. What if they upload my identity on the public docket? What if they link this case to my name elsewhere online? What if I have just multiplied my harms by daring to stand up for myself?

What if they go further than just lurking on mine and my partner's social media accounts? Am I exposing my friends and family to harms as well?

46. Beginning in 2023, my first attorneys informed me that they were going to be winding down their law firm. They said in order to continue my action, I would need to find a new law firm. This change created additional fear and anxiety. I would have to share with more strangers the details about the abuse I went through and need to show them these videos. The change in firms created a paralytic feeling and it took me months to get past the anxiety of speaking about my experience to my new attorneys.

47. I am never going to feel comfortable with any of this, but I am hopeful that pursuing justice brings me some level of peace.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 28, 2024

/s/ Victor Voe
Victor Voe